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DEPARTMENT FOR EUR/SE

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SUBJECT: GOT RESPONDS TO EU CRITICS BY ANNOUNCING REFORM PACKAGE

REF: A. 05 ANKARA 2750

[1](#)B. 05 ANKARA 3887

Classified by DCM Nancy McEldowney; reasons 1.4 b and d.

[1](#)1. (C) Summary: Turkish FM Gul announced April 12 a package of political reforms Turkey plans to adopt to advance its EU candidacy. GOT contacts say the announcement was a response to unfair criticism from the EU that Turkey's reform process has stalled. They argue that the criticism reflects EU ambivalence about Turkey, rather than actual GOT shortcomings. EU contacts maintain that top GOT officials appear to have lost faith in the accession process, and are failing to demonstrate the kind of leadership needed to implement reforms. End Summary.

Gul Announces Reform Package

[1](#)2. (U) Gul said Turkey will enact a series of EU-related legal and administrative reforms before Parliament recesses in July. Promised reform measures include:

-- Minority Foundations: A new Law on Foundations will enable non-Muslim communities to reclaim some of the properties expropriated by the state over the years. EU officials have reviewed drafts of this bill and warned the GOT that it falls short of EU standards, though it is an improvement over current legislation (reftels). One of the main sticking points for the EU is the fact that the bill, in its current form, would not allow the non-Muslim communities to reclaim properties that the state has expropriated and sold to third parties, nor would it provide compensation for such seizures. It is not clear whether the bill will be revised significantly before Parliament adopts it.

-- Ombudsman: A government ombudsman's office will be established, to receive complaints by citizens regarding government services.

-- Military Audits: A law will be enacted allowing the Court of Accounts to review military expenditures. The GOT in 2004 amended the Constitution to allow for such audits; new legislation is needed to implement this reform.

-- Minority Schools: Parliament will annul a law that effectively requires religious minority schools to appoint a Muslim Turk as vice principal.

-- Roma: Parliament will annul a law stating that "nomadic Gypsies" are not eligible to immigrate to the country.

-- Political Ethics: New legislation will require political parties to disclose more information about how they raise and spend funds. Political leaders will be required to disclose their personal wealth. Parliament will establish a Political Ethics Commission.

-- Anti-Corruption: An existing commission headed by a Cabinet member will be tasked with coordinating anti-corruption efforts.

-- Military Courts: Legislative reforms will prohibit military courts from trying civilians, except in cases involving crimes committed by both civilians and military personnel.

-- Human Rights Institution: The GOT will establish an independent human rights monitoring body.

13. (U) The GOT is also preparing a separate package of economic reforms.

A Response to Critics

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14. (C) Ahmet Dogan, political affairs director at the GOT's Secretariat General for EU Affairs, told us Gul's

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announcement was a response to critics in the EU who have asserted that Turkey has lost momentum in the political reform process since starting accession talks in October 2005. None of the reforms announced by Gul are new initiatives -- they have all been in the pipeline for months. The GOT wanted to call attention to them to demonstrate its commitment to the EU process, he said.

15. (C) Dogan said he and his colleagues reject claims that the GOT has slowed the reform process. Between 2001 and 2005, he noted, the GOT adopted a wide range of EU-related legislation. These included a complete overhaul of Turkey's three primary criminal laws -- the Penal Code, the Criminal Procedure Code, and the Execution of Punishments Law. The GOT, he said, has adopted nearly all the specific legislation required by the EU in relation to the Copenhagen Criteria for political reform. What it needs to do now is implement the new laws and "transform mentalities" in the bureaucracy, and that will take time. "We have made revolutionary legal changes. The EU has to realize that it will take time for us to implement these changes," he said.

16. (C) Dogan believes the EU criticism reflects opposition to Turkish membership, rather than actual GOT shortcomings. "What some member states really want to do is put obstacles in our way. But they can't say that, so instead they accuse us of losing interest in reforms," he said.

17. (U) European contacts in Ankara acknowledge that the EU can no longer point to specific legal reforms Turkey must adopt to meet the political criteria for membership. The EU set out general political guidelines for Turkey when it revised the Accession Partnership Agreement in December 2005. The Agreement lists a series of political reforms Turkey is expected to adopt by the end of 2007. However, the only specific legislation required is the above-noted Law on Foundations. Many of the criteria call on Turkey in more

general terms to implement reforms -- the word "implement" appears frequently throughout the text. Other examples include criteria urging Turkey to "ensure effective, transparent and participatory local government," "ensure consistent interpretation of legal provisions...related to human rights and fundamental freedoms," and "fully commit at all levels to the fight against corruption." Each of the reform measures announced by Gul addresses some element of the criteria.

EU Sees Lack of Leadership

¶8. (C) In some cases, GOT legal reforms have fallen short of EU standards. For example, despite extensive amendments, the new Penal Code still prohibits speech that "denigrates" the Turkish government and state, "Turkish identity," or Ataturk. But EU contacts say the most alarming deficiencies are found not in the laws, but in the leadership. A German diplomat told us that PM Erdogan, Gul, and other top GOT officials used to speak regularly in favor of EU membership and human rights reforms. For the past year or so, however, it appears that Turkish leaders are no longer willing to adopt this tone, he said. For example, when novelist Orhan Pamuk was on trial for making controversial comments, GOT leaders failed to make strong statements defending freedom of speech. And when Istanbul police used brutal tactics against demonstrators during International Women's Day in March 2005, most government officials responded defensively to criticism rather than promising a thorough investigation. This approach, according to our German colleague, gives the impression that the GOT is no longer committed to the EU process, and is unwilling to take even minor political risks to defend it.

¶9. (C) A UK diplomat told us the GOT has not yet adjusted to the changed nature of the accession process now that talks have begun. In the earlier stages, the EU would pressure the

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GOT to adopt specific legal reforms, and the Turks would comply at the last minute, shortly before an upcoming EU summit or progress report. At this point, the political reform requirements are more broadly defined, and the GOT must figure out for itself how it will meet them.

Comment: Lack of Vision

¶10. (C) The GOT has enacted impressive legal reforms in pursuit of EU membership, and leaders of the ruling Justice and Development Party (AKP) appreciate the tactical advantages of maintaining Turkey's status as a candidate country. But very few in AKP have a clear vision of transforming Turkey into a European country. Without such a vision, it will be difficult for the GOT to face the mounting obstacles on the EU path. The EU is suffering from enlargement fatigue, and some member states are keen to make life difficult for the Turks. In Turkey, meanwhile, nationalist sentiment is on the rise, and support for EU membership, while still over 50 percent, is declining. The AKP's Islamist base has lost interest in the EU, frustrated by European attitudes toward Islamic headscarves in schools and the cartoons of the Prophet Mohammed. These factors have set in motion a vicious circle: the GOT, skeptical about EU sincerity, takes minimal reform steps, and the EU, in turn, points to this lackluster effort to justify doubts about Turkey's commitment.

¶11. (C) Gul's reform announcement created a badly needed bounce, but the momentum will quickly run out unless GOT leaders rally public support for the EU process and inspire the bureaucracy to adopt the reforms in letter and spirit.

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